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EXAMINER

BLANKENSHIP, GREGORY A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/711,457
Filing Date: September 20, 2004
Appellant(s): EMERLING ET AL.

Kevin E. Kuehn
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/8/2008 appealing from the Office action mailed 8/28/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

Art Unit: 3612

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/718,312

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,840,561	Mills et al.	1-2005
US2003/0184064	Hier et al.	10-2003
5,720,509	Binish	2-1998
GB 2336577	Fischer et al.	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3612

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al. (6,840,561) in view of Hier et al. (US 2003/0184064).

Mills et al. disclose an automotive sun visor that has a core member (12), a cover layer (14) and a support arm (16). The core member (12) has an outer surface. The cover layer is located on the outer surface of the core member. The support arm (16) is coupled to the core member (12) and adapted to mount the visor proximate the windshield of a vehicle. In reference to claim 2, the core member is formed from a polymeric material, polypropylene, having a hardness that is relatively higher than a hardness of the cover layer. In reference to claim 3, the core member comprises first and second sections (20,22) joined together in a confronting arrangement, as seen in Figure 13. In reference to claim 4, the first and second sections (20,22) are hingedly coupled together for folding toward the confronting arrangement by living hinge (24). In reference to claims 5 and 12, the cover layer substantially encapsulates the core member. In reference to 10, the core is made of a polymeric material. Then, the cover layer (14) is located on the outer surface of the visor core. Finally, the support arm is coupled to the visor core. In reference to claim 11, the core member (12) is formed with a first section (20) and second section (22), as disclosed on lines 36-38 of column 3. Figure 2 shows the inner surface of the first core section (20) and the second core section (22). The core sections are arranged such that inner surfaces face one another so the first and second sections (20,22) may be secured together by locks (80), as disclosed on lines 46-48 of column 4. However, Mills et al. do not disclose forming the

Art Unit: 3612

cover layer in place of a polymeric material such that the mirror is integrally molded with the cover layer.

Hier et al. teach forming a polymeric cover layer in place onto the outer surface of the harder core member of a vehicle interior part, as disclosed in Figure 7.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to cover the core member of Mills et al. with a formed in place polymeric cover layer, as taught by Hier et al., in place of the cover layer of Mills et al. as an effective method to provide a cover on the core member having obvious and expected results.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 1, in view of Fischer et al. (GB2336577).

Mills et al., as modified, do not disclose the cover layer being textured to simulate fabric material.

Fischer et al. teach a polymeric covering material, polypropylene fabric, which is textured to simulate a fabric material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the cover layer of Mills et al., as modified, with a polymeric material that has a texture that simulates a fabric material, as taught by Fischer et al., to provide the desired appearance and texture.

Claims 8, 9, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mills et al. (6,840,561) and Hier et al. (US 2003/0184064), in view of Binish (5,720,509).

Art Unit: 3612

Mills et al., as modified, disclose a mirror (182) attached to the visor. However, Mills et al., as modified, does not disclose the mirror integrally molded with the cover layer.

Binish teaches integrally molding a mirror (25) into the cover layer (23) of a sun visor, as shown in Figures 2 and 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrally mold the mirror onto visor with the cover layer, of Mills et al., as modified, as taught by Binish, to securely connect the mirror to the sun visor without additional fasteners.

(10) Response to Argument

The applicant has argued that Mills et al. (6,840,561) and Hier et al. (US 2003/1084064) do not suggest the claimed combination. The applicant has argued that Hier et al. does not teach replacing a fabric cover with a polymeric cover so it cannot suggest the claimed combination. The examiner disagrees because fabric cover layers were known in the art before the invention of Hier et al., yet Hier et al. decided to use a polymeric cover. The use of a polymeric cover layer instead of a fabric cover layer is implicitly in Hier et al.

The applicant has argued that the combination of references, as applied to claim 7, do not disclose all of the limitations of claim 1 nor does Fischer et al. GB 2336557 disclose a polymeric cover layer that is textured to simulate fabric, as recited in claim 7. The examiner has discussed the arguments regarding claim 1 above and disagrees with the argument that Fischer et al. do not disclose a polymeric cover layer with a texture that simulates fabric. The examiner disagrees because Fischer et al. form the covering material of polypropylene

Art Unit: 3612

fabric. Polypropylene is a polymer and since it is disclosed as a fabric it inherently has a texture that simulates a fabric.

The applicant has argued that the combination of references, as applied to claims 8, 9, 14, 15, 17 and 18 do not disclose all the limitations of claim nor does Binish (5,720,509) teach an integrally formed in place polymeric cover that affixes accessories to a core member of a visor. The examiner agrees that Binish does not teach integrally forming in place a polymeric cover that affixes accessories to a core member. However, Binish is not relied on to teach integrally forming in place a polymeric cover. Hier et al. teach that limitation. Binish is relied upon to teach integrally molding an accessory, a mirror (25), with a sun visor such that it becomes integral with the cover layer. When the references are combined, it results in the mirror being integrally molded with the cover layer in place on the core member.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/GREG BLANKNESHIP/

March 28, 2008

/D. Glenn Dayoan/

Supervisory Patent Examiner, Art Unit 3612

Conferees:

Meredith Petravick /mcp/

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Application/Control Number: 10/711,457
Art Unit: 3612

Page 7